

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 5.1. STATE PERSONNEL BOARD

ARTICLE 1. GENERAL PROVISIONS

PREAMBLE

- | | |
|------------------------------------|---------------------------------|
| <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
| R2-5.1-101 | Amend |
| R2-5.1-102 | Amend |
| R2-5.1-103 | Amend |
| R2-5.1-104 | New Section |
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 41-782(C)
Implementing statutes: A.R.S. §§ 41-781, 41-782, 41-785, and § 38-531 et seq.
- 3. A list of all previous notices concerning the rules:**
Notice of Rulemaking Docket Opening: 8 A.A.R. 619, February 8, 2002.
Notice of Rulemaking Docket Opening: 8 A.A.R. 1109, March 15, 2002 (*in this issue*)
- 4. The name and address of board personnel with whom persons may communicate regarding the rulemaking:**
Name: Judy Henkel, Executive Director
Address: State Personnel Board
1400 West Washington, Suite 280
Phoenix, AZ 85007
Telephone: (602) 542-3888
Fax: (602) 542-3588
E-mail: judy.henkel@personnel.state.az.us
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**
The Board initiated rulemaking to update its rules for clarity and understanding, amend language to conform with current rulewriting standards, and create a new Section addressing the procedures for filing a prohibited personnel practice complaint.
- 6. A reference to any study that the agency proposes to rely on in its evaluation or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, and analysis of the study and other supporting materials:**
None

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7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

It is anticipated that the rules will not impact small business or consumers since the proposed rulemaking is intended to clarify existing appeal processes. There will be no economic burden other than the minimal expense to the Board, the Secretary of State's office, and the Governor's Regulatory Review Council for the rulemaking process. Interested individuals will benefit from this rulemaking because the rules will be less confusing to apply and there will be a separate Section that will apply to prohibited personnel practice complaints. The rulemaking will not impose any reporting, bookkeeping, or compliance requirements on small businesses.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statements:

Name: Judy Henkel, Executive Director
Address: State Personnel Board
1400 West Washington, Suite 280
Phoenix, AZ 85007
Telephone: (602) 542-3888
Fax: (602) 542-3588
E-mail: judy.henkel@personnel.state.az.us

10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The Board has not scheduled any oral proceedings. Oral proceedings will be scheduled if, within 30 days after the publication of this notice, a written request for an oral proceeding is submitted to the Board contact person. Written comments about the proposed rulemaking may be submitted to the person identified in item #4 until 5:00 p.m. on April 15, 2002.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporation by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 5.1. STATE PERSONNEL BOARD

ARTICLE 1. GENERAL PROVISIONS

Section

R2-5.1-101. Definitions
R2-5.1-102. Personnel Board Procedures
R2-5.1-103. Appeal Procedures
R2-5.1-104. Complaint Procedures

ARTICLE 1. GENERAL PROVISIONS

R2-5.1-101. Definitions

Unless the context requires otherwise, the following definitions govern:

1. "Agency", ~~for purposes of appeal from a disciplinary action,~~ means an employing state entity ~~that takes~~ ~~taking~~ an appealable disciplinary ~~personnel~~ action against an employee in state service as defined by A.R.S. § 41-762.
2. "Appeal" means a written request filed with the Board by a permanent status employee seeking relief from dismissal, demotion, or suspension of more than 40 working hours.
3. "Appellant" means a permanent status employee in state service ~~who files~~ ~~filing~~ an appeal with the Board.

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4. "Complainant" means an employee or former employee as defined in A.R.S. § 38-531 who files a complaint with the Board.
5. "Complaint" means a written request for relief under A.R.S. § 38-531 et seq. filed with the Board by an employee or former employee who believes a prohibited personnel action was taken against the employee or former employee as a result of the employee or former employee's disclosure of information under A.R.S. § 38-531, et seq.
- ~~4-6.~~ "Day" means a calendar day, unless otherwise stated.
- ~~5-7.~~ "Deposition" means a form of discovery in which testimony of a witness is given under oath or affirmation, subject to cross-examination, and recorded in writing, before the hearing.
- ~~6-8.~~ "Hearing" means an administrative proceeding at which the appellant or complainant and the agency are given the opportunity to be heard by oral or written presentation of evidence.
- ~~7-9.~~ "Hearing officer" means a person employed or appointed by the Board, the Board, the Board's chair, or any member of the Board designated by the Board's chair acting as the trier of fact.
- ~~8-10.~~ "Respondent" means an ~~a state service~~ agency or individual whose interests are adverse to those of an appellant or complainant or who will be directly affected by the Board's decision. "Respondent" may also mean the agency taking disciplinary action for purposes of R2-5.1-103.
- ~~9-11.~~ "Subpoena" means a formal legal document issued under authority of the Board to compel the appearance of a witness at a hearing ~~an administrative proceeding~~.

R2-5.1-102. Personnel Board Procedures

- A. Regular ~~meetings~~ Meetings. At each public meeting, the Board shall announce the time and place of its next regular monthly meeting. ~~The Board Notice shall give notice be given~~ as required by law.
- B. Special ~~meetings~~ Meetings. The chair of the Board may call special meetings of the Board. ~~The Board Notice shall give notice be given~~ as required by law.
- C. Emergency ~~meetings~~ Meetings. In the case of an emergency, the chair or vice chair of the Board may call a meeting. The Board shall give ~~provide~~ notice ~~of the time, place, and agenda of the emergency meeting~~ as required by law.
- D. Agenda. The Board shall consider only matters placed on the agenda. The agenda shall be mailed to each member of the Board at least five ~~5~~ business days before the meeting.
- E. Notice to ~~agencies~~ Agencies. At least five ~~5~~ business days before a meeting, the Board shall mail a copy of the agenda to any state ~~agency~~ agencies indicating an interest in receiving the agenda. The Board's failure to mail the agenda, or failure of an agency to receive the agenda, does not affect the validity of the meeting or of any action taken by the Board at the meeting.
- F. Notice to parties. The Board shall ~~give~~ provide ~~the~~ notice of a meeting as required by law to all parties in a ~~contested~~ matter scheduled for a Board meeting.
- G. Minutes. The Board shall record in the Board's minutes the time and place of each meeting of the Board, names of the Board members present, all official acts of the Board, the votes of each Board member except when the acts are unanimous, and, when requested by a member, a member's dissent with the member's reasons. Board staff shall write the minutes and shall present the minutes for approval by the Board members at the next regular meeting. The Board shall provide copies of the approved minutes to the appellant and respondent within seven ~~7~~ days of the regular meeting at which the minutes are approved.

R2-5.1-103. Appeal Procedures

- A. Appeal. A permanent status employee who wishes to appeal a disciplinary ~~personnel~~ action shall, no later than ten ~~10~~ business days from the effective date of the action ~~being appealed~~, file a written appeal with the Board in accordance with A.R.S. § 41-785. The appeal shall include:
 1. The appellant's name, address, and telephone number.
 2. The name of the agency taking the disciplinary action being appealed.
 3. The name, address, and telephone number of the appellant's representative, if applicable.
 4. The action requested of the Board.
 5. A specific response to the causes for disciplinary action upon which the appeal is based.
- B. Change of address. A party shall notify ~~The parties are responsible for notifying~~ the Board of any change of address or telephone number.
- C. Routing of appeal. Upon filing the appeal, the appellant shall furnish the agency respondent with a copy of the appeal. In addition, the Board shall forward a copy of the appeal to the respondent agency at the respondent's last known address within five ~~5~~ business days from the date of filing.
- D. Hearing officer. The Board or the Board's chair may assign an appeal or may direct staff administratively to assign an appeal to a hearing officer for hearing. When an appeal is assigned to a hearing officer, the hearing officer is the authorized representative of the Board and is fully empowered to grant or refuse extensions of time, to set proceedings for hearing, to conduct the hearing, and to take any action in connection with the proceedings that the Board is authorized by law to take other than making the final findings of fact, conclusions of law, and order. The assignment of an appeal to a hear-

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ing officer does not preclude the Board or the Board's chair from withdrawing the assignment and conducting the hearing itself or from reassigning the appeal to another hearing officer. The hearing officer conducting the hearing shall write proposed findings of fact, conclusions of law and recommendation, as well as a brief statement of reasons for the hearing officer's findings and conclusions and shall submit the proposed findings of fact and conclusions of law within 30 days of the last date of the hearing. The Board shall consider the hearing concluded when it receives a copy of the hearing officer's proposed findings of fact, conclusions of law and recommendation or, if objections are filed, on the date the objections are filed. The hearing officer may be, but need not be, present, at the discretion of the Board, during the consideration of the appeal by the Board, and, if requested, shall assist and advise the Board.

- E. Time for hearing. The Board shall hold a hearing on an appeal within 30 days from receipt by the Board of an appeal unless the Board finds good cause to extend the time.
- F. Notice of hearing. The Board shall provide the appellant and ~~agency respondent~~ with written notice of the time, date, and place of hearing of an appeal, and the name of the hearing officer at least 20 days before the date of the hearing.
- G. Nature of hearing; rules of evidence. Every hearing shall be open to the public unless the appellant requests a confidential hearing. If the ~~disciplinary~~ hearing involves evidence the state is precluded by law from disclosing, the Board or the Board's hearing officer shall grant a request for a confidential hearing by the respondent state agency. The appellant, respondent, or hearing officer may request that portions of the hearing be sealed or adequately protected if testimony of certain witnesses is of a sensitive nature. Any party may be self-represented or may designate a representative as provided by law. Every hearing shall be conducted in an impartial manner as a quasi-judicial proceeding. All witnesses shall testify under oath or by affirmation, and a record of the proceeding shall be made and kept for three 3 years. Hearings shall be conducted in a manner that ascertains so as to ascertain the substantial rights of the parties. The Board, a Board member, or a hearing officer is not bound by common law, or statutory rules of evidence, or by technical or formal rules of procedure, except the rule of privilege as recognized by law.
- H. Prehearing ~~conference~~ conferenees. The Board or the Board's hearing officer may require the appellant and respondent both parties to attend a prehearing conference. Any agreements reached at that conference shall be binding at the hearing.
- I. Exhibits. A party introducing an exhibit shall furnish the Board or the Board's hearing officer and the opposing party with a copy of the exhibit before or at the beginning commencement of the hearing.
- J. Exclusion of witnesses. Upon the motion of an appellant or respondent, the hearing officer, in the hearing officer's discretion, may exclude from the hearing room any witness who is not under examination. The hearing officer shall not exclude a party to the hearing proceeding or a party's representative conducting the case.
- K. Witness fees. Witnesses, other than state employees, when subpoenaed to attend a hearing are entitled to the same fee as is allowed witnesses in civil cases in the Arizona Superior Court. If the hearing officer, on the hearing officer's own motion, subpoenas a witness, fees and mileage shall may be paid from funds of the Board upon presentation of a duly executed claim. If the appellant or respondent subpoenas a witness, the fees and mileage shall be paid by the party requesting the witness. Reimbursement to state employees subpoenaed as witnesses is limited to payment of mileage by the party requesting the witness.
- L. Enforcement of subpoenas. If enforcement of appearance of a witness is necessary, enforcement proceedings shall be taken to Superior Court by the party requesting enforcement, and enforcement shall be determined by the Superior Court and not the Board. The Board shall be made a party to any proceedings and shall follow any orders entered by the court.
- M. Depositions. Either party may request that a witness' deposition be used as evidence if the presence of a witness cannot be procured at the time of hearing. The hearing officer shall grant or deny the request.
- N. Proposed findings of fact. Both appellant and respondent have the right to file with the Board proposed findings of fact and conclusions of law for the benefit of the hearing officer. If either the appellant or the respondent party chooses to file proposed findings of fact and conclusions of law, the filing shall take place before the conclusion of the hearing as defined in subsection (D).
- O. Objections to findings. The Board shall send transmit a copy of the hearing officer's proposed findings of fact, conclusions of law, and recommendation to the appellant and respondent. The appellant or respondent may file written objections, but (not post-hearing evidence), to the hearing officer's proposed findings of fact or conclusions of law with the Board within 15 days from of receipt of the hearing officer's proposed findings of fact and conclusions of law and shall serve copies of the objections upon the other party and the Board. The Board shall not consider untimely objections not timely filed.
- P. Personnel Board decision. Within the time time-frame required by law, the Board shall notify the appellant and respondent of the time and place of the Board meeting at which the appeal will be decided. The Board may affirm, reverse, adopt, modify, supplement, amend, or reject the hearing officer's proposed findings of fact and conclusions of law in whole or in part, may recommit the matter to the hearing officer with instructions, may convene itself as a hearing body, or may make any other appropriate disposition of the appeal as allowed by law. The Board shall make a decision on the appeal in an open meeting within 45 days after the conclusion of the a hearing and shall send a copy of the decision to the appellant and respondent by certified mail, return receipt requested. If the Board orders the respondent to reinstate the appellant, it may also order the respondent to reinstate the appellant with or without back pay for the period and in the amount amounts the Board determines to be proper.

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- Q.** Appeal of Board decision in court. The appellant or respondent may appeal the decision of the Board in the Superior Court as provided in A.R.S. § 41-785.

R2-5.1-104. **Complaint Procedures**

- A.** Complaint. A state employee or former employee who wishes to file a complaint shall, no later than ten days from the date of the alleged prohibited personnel practice that is the subject of the complaint, file a written complaint with the Board in accordance with A.R.S. § 38-532. The complaint shall include:
1. The complainant's name, address, and telephone number.
 2. A clear and concise statement of the facts constituting the alleged prohibited personnel practice.
 3. The name of the state agency or state employee believed to have knowingly committed the prohibited personnel practice.
 4. The date and place of the alleged prohibited personnel practice.
 5. The name, address, and telephone number of the complainant's representative, if applicable.
- B.** Change of address. A party shall notify the Board of any change of address or telephone number.
- C.** Routing of complaint. Upon filing the complaint, the complainant shall furnish any respondent with a copy of the complaint. In addition, the Board shall forward a copy of the complaint to the respondent at the respondent's last known address within five business days from the date of filing.
- D.** Amending a complaint. A complainant may move to amend a complaint. The hearing officer shall grant or deny the motion or shall refer the motion to the Board for disposition.
- E.** Hearing officer. The Board or the Board's chair may assign a complaint or may direct staff administratively to assign a complaint to a hearing officer for hearing. When a complaint is assigned to a hearing officer, the hearing officer is the authorized representative of the Board and is fully empowered to grant or refuse extensions of time, to set proceedings for hearing, to conduct the hearing, and to take any action in connection with the proceedings that the Board is authorized by law to take other than making the final findings of fact, conclusions of law, and order. The assignment of a complaint to a hearing officer does not preclude the Board or the Board's chair from withdrawing the assignment and conducting the hearing itself or from reassigning the complaint to another hearing officer. The hearing officer conducting the hearing shall write proposed findings of fact, conclusions of law, and recommendation, as well as a brief statement of reasons for the hearing officer's findings and conclusions and shall submit the proposed findings of fact and conclusions of law within 30 days of the last date of hearing. The Board shall consider the hearing concluded when it receives a copy of the hearing officer's proposed findings of fact, conclusions of law, and recommendation or, if objections are filed, on the date the objections are filed. The hearing officer may be, but need not be, present, at the discretion of the Board, during the consideration of the complaint by the Board, and, if requested, shall assist and advise the Board.
- F.** Time for hearing. The Board shall hold a hearing on a complaint within 30 days from receipt by the Board of a complaint unless the Board finds good cause to extend the time.
- G.** Notice of hearing. The Board shall provide the complainant and any respondent with written notice of the time, date, and place of hearing of a complaint, and the name of the hearing officer at least 20 days before the date of the hearing.
- H.** Nature of hearing; rules of evidence. Every hearing shall be open to the public unless the complainant requests a confidential hearing. If the hearing involves evidence the state is precluded by law from disclosing, the Board or the Board's hearing officer shall grant a request for a confidential hearing by the respondent. The complainant, respondent, or hearing officer may request that portions of the hearing be sealed or adequately protected if testimony of certain witnesses is of a sensitive nature. Any party may be self-represented or may designate a representative as provided by law. Every hearing shall be conducted in an impartial manner as a quasi-judicial proceeding. All witnesses shall testify under oath or by affirmation, and a record of the proceeding shall be made and kept for three years. Hearings shall be conducted in a manner that ascertains the substantial rights of the parties. The Board, a Board member, or a hearing officer is not bound by common law, statutory rules of evidence, or technical or formal rules of procedure, except the rule of privilege recognized by law.
- I.** Prehearing conference. The Board or the Board's hearing officer may require the complainant and respondent to attend a prehearing conference.
- J.** Exhibits. A party introducing an exhibit shall furnish the Board or the Board's hearing officer and the opposing party with a copy of the exhibit before or at the beginning of the hearing.
- K.** Exclusion of witnesses. Upon the motion of a complainant or respondent, the hearing officer, in the hearing officer's discretion, may exclude from the hearing room any witness who is not under examination. The hearing officer shall not exclude a party to the hearing or a party's representative.
- L.** Witness fees. Witnesses, other than state employees, when subpoenaed to attend a hearing are entitled to the same fee as is allowed witnesses in civil cases in the Arizona Superior Court. If the hearing officer, on the hearing officer's own motion, subpoenas a witness, fees and mileage shall be paid from funds of the Board upon presentation of a duly executed claim. If the complainant or respondent subpoenas a witness, the fees and mileage shall be paid by the party requesting the witness. Reimbursement to state employees subpoenaed as witnesses is limited to payment of mileage by the party requesting the witness.

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- M.** Enforcement of subpoenas. If enforcement of appearance of a witness is necessary, enforcement proceedings shall be taken to Superior Court by the party requesting enforcement, and enforcement shall be determined by the Superior Court and not the Board. The Board shall be made a party to any proceedings and shall follow any orders entered by the court.
- N.** Depositions. Either party may request that a witness' deposition be used as evidence if the presence of a witness cannot be procured at the time of hearing. The hearing officer shall grant or deny the request.
- O.** Proposed findings of fact. Both complainant and respondent have the right to file with the Board proposed findings of fact and conclusions of law for the benefit of the hearing officer. If either the complainant or the respondent chooses to file proposed findings of fact and conclusions of law, the filing shall take place before the conclusion of the hearing as defined in subsection (E).
- P.** Objections to findings. The Board shall send a copy of the hearing officer's proposed findings of fact, conclusions of law, and recommendation to the complainant and respondent. The complainant or respondent may file written objections, but not post-hearing evidence, to the hearing officer's proposed findings of fact or conclusions of law with the Board within 15 days from receipt of the hearing officer's proposed findings of fact and conclusions of law and shall serve copies of the objections upon the other party and the Board. The Board shall not consider untimely objections.
- Q.** Personnel Board decision. Within the time required by law, the Board shall notify the complainant and respondent of the time and place of the Board meeting at which the complaint will be decided. The Board shall determine the validity of the complaint and whether a prohibited personnel practice was committed against the employee or former employee as a result of the employee or former employee's disclosure of information of a matter of public concern. If the Board determines a prohibited personnel practice was committed as a result of disclosure of information by the employee or former employee, the Board shall act in accordance with the requirements of A.R.S. § 38-532.
- R.** Appeal of Board decision in court. The complainant or respondent may appeal the decision of the Board in the Superior Court as provided in A.R.S. § 38-531 et seq.

NOTICE OF PROPOSED RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE - ANIMAL SERVICES DIVISION

PREAMBLE

- | | |
|------------------------------------|---------------------------------|
| <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
| Article 1, Table 1 | Amend |
| R3-2-202 | Amend |
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. §§ 3-107(A)(1)
Implementing statutes: A.R.S. §§ 3-2046, 3-2088, 3-2154, 3-2161
- 3. A list of all previous notices appearing in the Register addressing the adopted rule:**
Notice of Rulemaking Docket Opening: 7 A.A.R. 2774, June 29, 2001
Notice of Rulemaking Docket Opening: 7 A.A.R. 3046, July 13, 2001
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Sherry D. Blatner, Rules Specialist
Address: Arizona Department of Agriculture
1688 West Adams, Room 235
Phoenix, AZ 85007
Telephone: (602) 542-0962
Fax: (602) 542-5420
E-mail: sherry.blatner@agric.state.az.us
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**
This rulemaking updates the Department's rules regarding poultry slaughter and inspection to match changes in federal rules incorporating ratites and squab slaughter into the federal poultry rules. Incorporations by reference are updated and excepted material is modified.

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The time-frame table for the Animal Services Division is updated to eliminate the license for ratite slaughterhouses and to include a new time-frame for issuance of Ownership and Hauling Certificates for Equines.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material.

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

A. The Arizona Department of Agriculture

The Department will license and inspect ratite and squab slaughter operations under the poultry rules. The Department's issuance of Ownership and Hauling Certificates for Equines will be included in the time-frame table. A change in internal procedures to issue the Certificates may now sometimes result in issuance of the Certificates in greater than a seven-day time-frame. These changes have a minimal cost to the Department related to training staff.

B. Political Subdivision

It is not anticipated that the adoption of this rule will have any impact on political subdivisions.

C. Businesses Directly Affected By the Rulemaking

Businesses previously licensed to slaughter ratites under Article 11 are now licensed under Article 2 provisions for poultry slaughter, R3-2-202(B). Only two licenses were issued under the ratite rules. If squab are slaughtered, the poultry inspection, slaughtering standards, and licensing requirements apply to that activity.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Sherry D. Blatner, Rules Specialist
Address: Arizona Department of Agriculture
1688 West Adams, Room 235
Phoenix, AZ 85007
Telephone: (602) 542-0962
Fax: (602) 542-5420
E-mail: sherry.blatner@agric.state.az.us

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The Department of Agriculture will schedule a public hearing if a written request for a public hearing is made to the person in item #4.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

9 CFR Chapter III, Subchapters A and E, effective as of April 26, 2001. This material is incorporated by reference, is on file with the Department and the Office of the Secretary of State, and does not include any later amendments or editions. The following parts and sections of 9 CFR are excepted from incorporation:

302.2, 322, 331, 381.96 through 381.112, 307.5, 327, 335, 381.195 through 381.209

307.6, 329.7, 381.38, 381.218, 312, 329.9, 381.39, 381.220 through 381.225

The incorporated material appears in rule R3-2-202(A) and (B).

13. The full text of the rules follows:

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE - ANIMAL SERVICES DIVISION

ARTICLE 1. GENERAL PROVISIONS

Section
 Table 1. Time-frames

ARTICLE 2. MEAT AND POULTRY INSPECTION

Section
 R3-2-202. Meat and Poultry Inspection; and Slaughtering Standards

ARTICLE 1. GENERAL PROVISIONS

Table 1. Time-frames (Calendar Days)

License	Authority	Administrative Completeness Review	Response to Completion Request	Substantive Completeness Review	Response to Additional Information	Overall Time-frame
MEAT AND POULTRY INSPECTION						
License to Slaughter	A.R.S. § 3-2002 A.R.S. § 3-2003 R3-2-208	14	14	30	14	44
Transfer of license without fee	A.R.S. § 3-2009	14	14	30	5	44
State Meat Inspection Service	A.R.S. § 3-2047	14	14	30	14	44
Sale or Exchange of Meat or Poultry	A.R.S. § 3-2081 R3-2-208	14	14	30	14	44
Rendering Facility Certification	A.R.S. § 3-2081 R3-2-205	14	14	30	14	44
Transfer of License	A.R.S. § 3-2086	14	14	30	5	44
Official Slaughter Meat Licenses	A.R.S. § 3-2122 R3-2-208	14	14	30	14	44
FEEDING OF ANIMALS						
Feed Lot License	A.R.S. § 3-1452	14	14	60	14	74
Permit to Feed Garbage to Swine	A.R.S. § 3-2664	14	14	60	14	74
DAIRY PRODUCTS AND CONTROL						
Milk Distributing Plant New Renewal	A.R.S. § 3-607	7 7	7 7	7 14	7 7	14 21
Milk Processing Plant New Renewal Plant Licensing New Renewal	A.R.S. § 3-607 A.R.S. § 3-665	7 7 7 7	7 7 7 7	7 14 7 14	7 7 7 7	14 21 14 21

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Request to market a product as a milk product	A.R.S. § 601.01	7	7	7	7	14
Tester License	A.R.S. § 3-619	7	7	7	7	14
Trade Product Label	A.R.S. § 3-667	7	14	30	30	37
LIVESTOCK SELF INSPECTION						
Equine Trader Permit	A.R.S. § 3-1348	7	7	7	7	14
<u>Ownership and Hauling Certificate for Equines</u>	<u>A.R.S. § 3-1344</u> <u>A.R.S. § 3-1345</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>28</u>
EGG PRODUCTS AND CONTROL						
Annual Licensing	A.R.S. § 3-714	7	7	7	7	14
AQUACULTURE						
Aquaculture Facility	A.R.S. § 3-2907 R3-2-1004	14	14	30	14	44
Fee Fishing Facility	R3-2-1005	14	14	30	14	44
Processor	R3-2-1006	14	14	30	14	44
Transporter	R3-2-1007	14	14	30	14	44
Special Licenses	A.R.S. § 3-2908 R3-2-1008	14	14	30	14	44
RATFES						
Slaughterhouse and Wholesale Processing Establishment Registration	A.R.S. § 3-1482 R3-2-1102	14	14	60	14	74

ARTICLE 2. MEAT AND POULTRY INSPECTION

R3-2-202. Meat and Poultry Inspection; and Slaughtering Standards

- A.** All meat inspection and slaughtering procedures shall be conducted as prescribed in 9 CFR Chapter III, Subchapters A and E, revised as of January 1, 1999 2001. This material is incorporated by reference, on file with the Office of the Secretary of State, and does not include any later amendments or editions. The following parts and sections of 9 CFR, Chapter III, Subchapter A, are excepted from incorporation: 302.2, 312, 329.7, 306.3, 324, 329.9, 307.5, 322, 331, 307.6, 327, 335.
- B.** All poultry inspection and slaughtering procedures shall be conducted as prescribed in 9 CFR Chapter III, Subchapters C and E, revised as of January 1, 1999 effective as of April 26, 2001. This material is incorporated by reference, on file with the Office of the Secretary of State, and does not include any later amendments or editions. The following sections of 9 CFR Chapter III, Subchapter C are excepted from incorporation: 381.38, 381.195 through 381.209, 381.39, 381.218, 381.96 through 381.112, 381.220 through 381.225, 381.185 through 381.186 381.230 through 381.236.